

REMARKS

Applicants thank the Examiner for returning a completely initialed copy of the Form PTO-1449.

Applicants note that the amendments contained in the Amendment Pursuant to 37 C.F.R. § 1.116 filed June 8, 2004 have not been entered. Applicants request that the amendments made in that response not be entered as new amendments have been made herein. All changes indicated in the present submission are relative to the claims in the last entered amendment.

Claims 1-7 are pending in this application. Claims 2 and 4-6 have been cancelled herein without prejudice or disclaimer of the subject matter claimed therein. Claim 1 has been amended herein to contain the general substance of claim 5, which has been indicated to be allowable, and for cosmetic purposes to correct an obvious typographical error. Claim 3 has been amended to correct antecedent basis and dependency in light of the amendment to claim 1 and the cancellation of claim 2. Claim 7 has been amended for cosmetic purposes to correct an obvious typographical error. Accordingly, no new matter has been added by these amendments.

Therefore, after entry of these amendments, claims 1, 3, and 7 will be pending in the application.

Applicants note that there are no copending U.S. applications that claim priority to the instant application. Applicants are aware of the following copending applications (which may themselves have additional priority claims and related applications and/or patents) which may contain subject matter similar to the present claims: U.S. Patent Application No. 09/523,809, U.S. Patent Application No. 09/956,499, U.S. Patent Application No. 10/376,788, U.S. Patent Application No. 10/378,189, U.S. Patent Application No. 10/378,483, U.S. Patent Application No. 10/411,816, U.S. Patent Application No. 10/378,178, U.S. Patent Application No. 10/615,623, and U.S. Patent Application No. 09/949,043. Copies of the pending claims in these applications are attached hereto as Appendices A through I respectively. This statement does not represent that a search has been carried out nor does it constitute an admission that the listed applications are material to the patentability of the invention, or that these applications represent prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the listed applications.

The disclosure has been objected to as allegedly containing an informality in the reference to "Figure 1." Although Applicants do not necessarily agree with this objection, the specification has been amended to refer to "the figure" instead of "Figure 1" at the locations indicated by the Examiner as well as at page 14, line 17. Accordingly, no new matter has been added by these amendments. Accordingly, Applicants respectfully request that this objection be reconsidered and withdrawn.

Applicants submit that amended claims 1 and 3 are clear that fibroblast cells are contained within the synthesized extracellular matrix layer.

The outstanding rejections raised in the previous Office Action are addressed individually below.

1. *Claim 6, as amended, is not anticipated by Doillon et al.*

Claim 6 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Doillon *et al.* Claim 6 has been cancelled herein without prejudice or disclaimer of the subject matter claimed therein. Accordingly, Applicants respectfully submit that this rejection has been rendered moot and request that the rejection be reconsidered and withdrawn.

2. *Claims as amended are not obvious over Stovall in view of Doillon et al.*

Claims 1-4 and 6-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stovall in view of Doillon *et al.* Applicants respectfully traverse this rejection.

Claims 2, 4, and 6 have been cancelled herein without prejudice or disclaimer of the subject matter claimed therein. Accordingly, Applicants respectfully submit that the rejection is moot with respect to those claims.

Claim 1 has been amended herein to incorporate the general substance of the claim 5. The Examiner has indicated that claim 5 would be allowable if rewritten in independent form. Claim 3 (as amended) and claim 7 are now dependent on amended claim 1. Accordingly, Applicants submit that claims 1, 3, and 7 (as amended) are allowable. Applicants respectfully request that the rejection with regard to these claims be reconsidered and withdrawn.

CONCLUSIONS

In view of the arguments set forth above, Applicants respectfully submit that the rejections contained in the Office Action mailed on January 13, 2004, have been overcome, and that the claims are in condition for allowance. If the Examiner believes that any further discussion of this communication would be helpful, he is invited to contact the undersigned at the telephone number provided below.

Applicants herein request continued examination of the application according to 37 C.F.R. § 1.114. Please charge deposit account no. 08-0219 the \$385.00 fee set forth in 37 C.F.R. § 1.17(e) for this purpose.

No other fees are believed to be due in connection with this response. However, please charge any underpayments or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

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